

REMARKS

Claims 1, 28, 30, 31, and 39-41 have been amended. Claims 1-4, 9-18, 28, 30-32, 36-41 and 43 are pending in the present application. Applicant reserves the right to pursue the original claims and other claims in this application and in other applications.

In the prior Office Action, claims 1-4, 10-18, 28, 30-32 and 36-41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Harlow et al., U.S. Patent no. 5,206,901 (hereinafter "Harlow") in view of Brennan et al, U.S. Patent no. 5,329,578 (hereinafter "Brennan"). The rejection is respectfully traversed.

Claim 1 recites a "telecommunication device" comprising "a processor identifying a dialed telephone number associated with the call, . . . using the dialed telephone number to retrieve a first telephone number, a second telephone number and at least one user preference from a storage medium, . . . using the at least one retrieved user preference to route the call to at least two destination telephone numbers substantially simultaneously." According to claim 1, "said processor authenticates an answered call before connecting the answered call."

None of the references cited in the Office Action disclose, teach or suggest a telecommunication device capable of identifying a dialed telephone number associated with the call, using the dialed telephone number to retrieve a first telephone number, a second telephone number and at least one user preference from a storage medium, using the at least one retrieved user preference to route the call to at least two destination telephone numbers substantially simultaneously and then authenticating an answered call before connecting the answered call.

Specifically, in the Harlow system, once the primary or secondary number goes off hook, the Harlow system immediately connects the call to the answered number and then sends a message to a switching service point to discontinue ringing. See Harlow at Col. 5, lines 11-21; FIGS. 2 and 3. Brennan, which does not even route calls to two or more numbers at substantially the same time, also fails to teach or suggest authenticating answered calls. Thus, the cited references, even when considered in combination, fail to disclose, teach or suggest all of the elements in claim 1.

These differences between the claim 1 invention and the combination of Harlow and Brennan are significant. As set forth in Applicant's prior Amendment, the claim 1 device does not immediately connect an answered call (as is done in the Harlow and Brennan systems). In the claimed invention, should one of the outbound leg get answered, the system will authenticate the answer by requiring the receiving party to press a DTMF tone to ensure the call has not been connected to an answering machine or other unwanted device.

Once authenticated, the system then needs to contend with glare, in the event more than one of the outbound calls were answered. The system will then determine the first outbound leg that was authenticated, then disconnect the other outbound legs (or perform another treatment if the legs were answered), answer the initial inbound call, then immediately bridge the connection to the outbound leg – all processed without a noticeable delay to either party on the line.

For at least the foregoing reasons, claim 1 is allowable over the cited combination. Claims 2-4 and 10-18 depend from claim 1 and are allowable along with claim 1. Claims 30-32 and 36-38 similarly recite "determining if the communication has been answered; and if it has been determined that the communication has been

answered, requesting information from a user before connecting the communication." As such, claims 30-32 and 36-38 are believed to be allowable over the combination of Harlow and Brennan.

Claim 28 recites a "method of providing telecommunications to a user of an communication network." The method includes the steps of "providing a first communication device at an extension of the communication network associated with the user; providing a second communication device to the user; routing a communication made to the extension to the connect unit; identifying the extension from the routed communication; using the identified extension to retrieve a first communication device number associated with the first communication device, a second communication device number associated with the second communication device, and at least one user preference; and routing the communication in accordance with the user preference to at least two destination communication numbers substantially simultaneously." According to claim 28, "the communication network is an enterprise network and the extension is an extension of the enterprise telecommunications network, not a direct-inward-dialed telephone number." Applicant respectfully submits that the cited combination fails to teach or suggest the elements of claim 28.

Harlow and Brennan cannot resolve "extensions" of an enterprise communication network. This is because both the Harlow and Brennan systems are extrinsic to an enterprise network. As such, neither system contemplates use with telephone "extensions." Harlow is a special intelligent network built up of SSPs and SCPs. To get a call routed in the Harlow system, a user has to call a "special directory number" for "special call treatment, similarly to current '800' and '900' calls." Harlow at Col. 4, lines 41-45. Similarly, in the Brennan PCS system, a user must call a special "personal number." Both the Harlow "special directory number" and the Brennan

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"personal number" are direct-inward-dialed telephone numbers. As such, claim 28 is allowable over the combination of Harlow and Brennan.

Claims 39-41 and 43 recite an "article of manufacture comprising a machine-readable storage medium having stored therein indicia of a plurality of machine-executable control program steps." The steps include "receiving a communication from a caller; . . . routing the communication to at least two destination communication numbers, . . . [and] monitoring the communication to determine if the communication has been answered." According to the claims, "control of the communication remains with the communication network allowing the network to play an unanswered ring tone to the caller." Applicant respectfully submits that the cited combination fails to teach or suggest the invention of claims 39-41 and 43.

As set forth in Applicant's prior response, Brennan's system bridges the inbound caller with the outbound leg to the user prior to even dialing; essentially, Brennan's device performs a series of managed call forwarding events. The Brennan system takes control of the call for each one of these call forwarding-like events. All the while, the caller will hear the connection, disconnection and ringing of the second line as the processor sequentially bridges the calls. Moreover, Harlow immediately connects the call upon receiving an answer. As such, Harlow cannot "monitor[] the communication to determine if the communication has been answered . . . control of the communication remains with the communication network allowing the network to play an unanswered ring tone to the caller" as recited in claims 39-41 and 34.

Because the call processing is never initially answered by the claimed invention, call control always resides in the host PBX or Telco switch, rather than the System, whereas the Harlow and Brennan systems takes call control immediately by first answering the line, then performing its functions – this is a significantly different

approach and architecture. The claimed invention, on the other hand, monitors the inbound call, allowing the host PBX switch or Telco to continue playing an unanswered ring tone to the caller and maintain call control. Once the inbound call is detected, the claimed invention processes its logic to simultaneously call multiple devices. During this process, the system must manage multiple threads including the inbound call, to ensure it is still ringing (alerting), and all of the outbound legs to monitor their respective ring counts and call states.

Applicant also respectfully submits that it is improper to combine the references in the manner suggested by the Office Action. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found in the references themselves. In re Fine, 837 F.2d 1071, 5 USPQ.2d 1596 (Fed. Cir. 1988). Although Harlow “may be capable of being modified to run the way [the applicant’s] apparatus is claimed, there must be a suggestion or motivation in the reference [Harlow] to do so.” In re Mills, 916 F.2d 680. There is no suggestion or motivation in any of the references for combining them to arrive at the claimed invention. In fact, Harlow and Brennan are two entirely different communication systems. The Office Action is using impermissible hindsight by using the claims of the present invention as a road map to improperly combine the references. See Ex part Clapp, 227 U.S.P.Q. 972, 973 (Bd. App. 1985); M.P.E.P. §2144. This is another reason why the rejection should be withdrawn.

For at least the reasons set forth above, the rejection should be withdrawn and claims 1-4, 10-18, 28, 30-32, 36-41 should be allowed.

In the prior Office Action, claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Harlow, Brennan and Swan, U.S. Patent no. 5,978,451. The rejection is respectfully traversed.

Claim 9 depends from claim 1 and is allowable along with claim 1 because none of the cited references disclose, teach or suggest a "telecommunication device" comprising "a processor identifying a dialed telephone number associated with the call, . . . using the dialed telephone number to retrieve a first telephone number, a second telephone number and at least one user preference from a storage medium, . . . [and] using the at least one retrieved user preference to route the call to at least two destination telephone numbers substantially simultaneously, wherein said processor authenticates an answered call before connecting the answered call.

Accordingly, claim 9 is allowable over the cited combination. Applicant respectfully submits that the rejection should be withdrawn and claim 9 allowed.

Claims 31, 40 and 41 have been amended to correct minor typographical errors and not for reasons related to patentability.

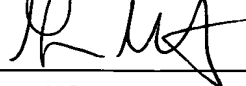
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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